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COMMISSION  
SECRETARIAT

2005 AUG -1 P 4: 14

**FEDERAL ELECTION COMMISSION**  
999 E Street N.W.  
Washington, D.C. 20463

**FIRST GENERAL COUNSEL'S REPORT**

**SENSITIVE**

MUR 5493

DATE COMPLAINT FILED: July 27, 2004

DATE OF NOTIFICATION: August 3, 2004

DATE ACTIVATED: March 3, 2005

EPS:

EXPIRATION OF SOL: 7/23/09

**COMPLAINANT:**

Russ Carnahan for Congress and Todd Allen

**RESPONDENTS:**

Friends of Jeff Smith and Steve Smith  
in his official capacity as treasurer  
Joan Barry in Congress and Kirk Benjamin  
in his official capacity as treasurer  
Eric Lillard

**RELEVANT STATUTES  
AND REGULATIONS:**

2 U.S.C. § 434(b)(4)  
2 U.S.C. § 441a(a)(1)(A)  
2 U.S.C. § 441d(a)(1)  
11 C.F.R. § 100.22(a)  
11 C.F.R. § 100.22(b)  
11 C.F.R. § 100.26  
11 C.F.R. § 110.11(a)(1)  
11 C.F.R. § 110.11(a)(2)  
11 C.F.R. § 110.11(b)  
11 C.F.R. § 110.11(c)(iv)  
11 C.F.R. § 110.11(c)(v)

**INTERNAL REPORTS CHECKED:**

Disclosure Reports

**FEDERAL AGENCIES CHECKED:**

None

**I. INTRODUCTION**

The Complainant alleges that Friends of Jeff Smith ("Smith Committee"), Joan Barry in Congress ("Barry Committee") and Eric Lillard ("Lillard") violated the Federal Election Campaign Act of 1971, as amended ("Act"), and regulations by working together to obscure the

1 identity of those individuals responsible for disseminating "false and inflammatory information"  
2 in the form of three flyers and a postcard to Missouri's 3<sup>rd</sup> District residents during the 2004  
3 Congressional primary election. Attachment 1 at 1. The Complainant also alleges that none of  
4 the information contained the proper disclaimers and that the Barry and Smith Committees'  
5 attempts to obscure the identity of the individual(s) responsible for distributing the information  
6 may have resulted in possible reporting violations for undisclosed campaign expenditures and  
7 excessive contributions. Attachment 1 at 2.

8 The Barry Committee admits that it distributed the three flyers as part of a press packet in  
9 connection with a joint press conference and asserts that the cover of the press packet (which  
10 they did not attach to their response) contained an adequate disclaimer such that no further  
11 disclaimer was necessary. However, it does not address the question of who paid for the creation  
12 and copying of the flyers. The Barry Committee does not substantially address the complaint  
13 allegation regarding the anonymous mailing of the flyers, but only challenges the sufficiency of  
14 the complaint's allegation. In addition, the Barry Committee does not substantially address the  
15 complaint allegation regarding the postcard since the complaint does not allege its involvement.  
16 It appears that the Barry Committee failed to include the proper disclaimers on the three flyers  
17 contained in the press packet, for which it apparently disbursed funds. Accordingly, we  
18 recommend that the Commission find reason to believe that the Barry Committee violated  
19 2 U.S.C. § 441d by failing to include proper disclaimers on three flyers for which it apparently  
20 disbursed funds.

21 The Smith Committee and Lillard, in their responses, credibly deny any affiliation with  
22 one another or any involvement in the distribution of the postcard and/or flyers. Lillard, in his  
23 response to the complaint, recounted his own unsuccessful efforts to determine who was

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1 responsible for the postcard. There is no evidence that Lillard violated any provisions of the Act  
2 or regulations. Therefore, we recommend that the Commission find no reason to believe that  
3 Eric Lillard violated any provisions of the Act or regulations. We need to conduct an  
4 investigation to determine who was responsible for the creation and mailing of the postcard and  
5 the anonymous mailing of the flyer. If an individual is responsible, there would be no violation  
6 of 2 U.S.C. § 441d because of a lack of express advocacy. However, if a political committee is  
7 responsible, there would be a violation of 2 U.S.C. § 441d. Once we know who was responsible  
8 for the creation and distribution of the postcard and the anonymous mailing of the flyer, we can  
9 decide on a course of action. Since we do not know at this point, we recommend that the  
10 Commission find reason to believe that an unknown political committee violated 2 U.S.C.  
11 § 441d by failing to include proper disclaimers on the postcard and flyers, for which it apparently  
12 disbursed funds.

13 In addition, we recommend that the Commission take no action at this time against the  
14 Barry and Smith Committees regarding the violation of 2 U.S.C. §§ 434(b)(4) and 441a(a)(1)(A);  
15 and take no action at this time against the Smith Committee with respect to the violation of  
16 2 U.S.C. § 441d pending the results of the investigation. Finally, we recommend an  
17 investigation to determine the identity of the unknown individual(s) or political committee  
18 involved in the creation and mailing of the postcard and the anonymous mailing of the flyer as  
19 well as the costs and extent of distribution. [REDACTED]

20 [REDACTED]  
21 [REDACTED]  
22 **II. FACTUAL SUMMARY**

23 Russell Carnahan was a Democratic candidate in the primary election for the 3<sup>rd</sup> District  
24 of Missouri Congressional seat vacated by Richard Gephardt. At that time, Carnahan was a State  
25

1 Representative for the 59<sup>th</sup> District of Missouri and had been since his election in 2000. Joan  
2 Barry and Jeffrey Smith were also Democratic candidates in the primary election.<sup>1</sup>

3 There are four communications at issue in the complaint. One is a postcard mailed to 3<sup>rd</sup>  
4 District residents on or about July 23, 2004. Attachment 1 at 4-5. The postcard contains a  
5 disclaimer stating that it was paid for by www.rustycarnahan.org and was "not authorized by any  
6 candidate or candidate committee," but does not otherwise identify the person(s) who paid for  
7 the message. *Id.* The Complainant asserts that it was able to trace the source of the postcard to  
8 an individual, Eric Lillard, allegedly connected to the Smith committee. *Id.* at 2. Mr. Lillard is  
9 the CEO of a St. Charles, Missouri based company called Web Expressions, Inc. and the domain  
10 registrant of the website, www.rustycarnahan.org, at the time the postcard was mailed. *Id.* at  
11 7-11. According to Complainant, it was able to access the website in July 2004 but there was no  
12 identifying information regarding who paid for the creation and distribution of the postcard. *Id.*  
13 at 2. The website was not functioning at the time of the complaint filing.<sup>2</sup> *Id.*

14 The second communication, a flyer, was allegedly distributed at a joint press conference  
15 held by Barry and Smith on July 23, 2004.<sup>3</sup> Attachment 1 at 2. The third and fourth  
16 communications, also flyers, were purportedly "widely distributed and mailed throughout the  
17 district in white envelopes bearing no disclaimers or even a return address to indicate the  
18 source." *Id.* Complainant states that it was informed by members of the press that the third flyer

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<sup>1</sup> Carhanan won the primary election for the Democratic nomination in August 2004 and was subsequently elected to the U.S. Congress in November 2004.

<sup>2</sup>This Office has attempted to access the website as well and it is no longer an active website. We have not been able to access it as an archived website to date.

<sup>3</sup> The Complainant asserts that members of the press informed it as to the manner in which the flyer was distributed. Attachment 1 at 2.

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1 was also "distributed by members of a local organization working on behalf of the Barry  
2 Committee at a press conference in the organization's headquarters."<sup>4</sup> *Id.*

3 **III. ANALYSIS**

4  
5 **A. Creation, financing, distribution and mailing of**  
6 **postcard and flyers**

7 Both the Smith Committee and Lillard deny any personal or professional affiliation with  
8 one another or any involvement in the creation, financing or mailing of the postcard and/or  
9 flyers.<sup>5</sup> The Smith Committee submitted a sworn affidavit from Brian Ponton, a campaign  
10 volunteer, who admits that he mistakenly informed a caller that Eric Lillard worked for the Smith  
11 Committee. Smith, in his sworn affidavit, also denies that he was acquainted with Lillard in any  
12 way. Smith claims to have no knowledge about the creation or maintenance of the  
13 www.rustycarnahan.org website.

14 There is information that strongly suggests the involvement of an unknown individual(s)  
15 or political committee in soliciting Lillard to host the website containing the negative Carnahan  
16 information; and the mailing the postcard and the flyers. Lillard's response goes into great detail  
17 regarding his efforts to determine the individual(s) responsible for soliciting his services  
18 regarding the postcard. After Lillard removed his personal information from the domain name

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<sup>4</sup> The complaint does not reference the name of the organization at which the press conference took place.

<sup>5</sup> Lillard admits that his company, Web Expressions, Inc., was paid a fee of three hundred dollars (\$300) by an individual named "Mike" to host the website, www.rustycarnahan.org for one month. Lillard was not provided with a last name for Mike. The two agreed that Lillard would purchase the domain name for the website and register it under the name of D. Woodruff. However, when Mike was unable to supply the information needed for Woodruff, Lillard used his own personal information to register the domain name with the understanding the registration would be updated at a later date with Woodruff's information. Lillard states that he was under the impression that Mike was associated with the Carnahan campaign until the individual with whom he met to get payment for his services told him otherwise and Lillard viewed the negative information provided to him for placement on the website. Lillard made attempts to contact Mike afterwards with no success. Lillard began receiving phone calls from individuals questioning him as to whether he was responsible for the mailing of the postcards. Lillard subsequently updated the domain registry with John Doe information to prevent phone calls that he deemed "accusatory and harassing."

1 registration, he was contacted through email by an individual, calling himself Joe Tonon who  
2 represented that he had been referred to Lillard by David Woodruff.<sup>6</sup> Subsequently, Lillard  
3 obtained information to indicate that the individual representing himself as Tonon was someone  
4 using Tonon's name with his permission.<sup>7</sup>

5 Tonon, in his conversation with Lillard, indicated that he was "friends with Jeff Smith in  
6 some capacity" but would not reveal the name of the person falsely representing himself as  
7 Tonon. Attachment 1 at 9. Tonon subsequently informed Lillard that unnamed individuals had  
8 told him [Tonon] that an individual named Larry Handlin "worked in the Jeff Smith campaign  
9 office and was the braintrust behind everything." *Id.* In addition, Lillard was also able to trace  
10 the cell phone number provided by the anonymous Mike and discovered that it is registered to an  
11 organization called Speak Out. *Id.* at 10. The website address for Speak Out is  
12 [www.speakout.org](http://www.speakout.org) and the domain name is registered to an individual by the name of Michael  
13 Mann. *Id.* at 10-11.

14 We have obtained additional publicly available information regarding Handlin, Mann  
15 and Tonon and the postcard mailing. It appears that Handlin, Smith and Tonon were all graduate  
16 students in the Department of Political Science at Washington University in 2004.<sup>8</sup> Handlin  
17 operates a "blog" called ArchPundit that is described as a "daily offering of links, news, rumors  
18 and left-leaning commentary."<sup>9</sup> Mann appears to be affiliated with an organization called

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<sup>6</sup> Lillard recalled that D. Woodruff was the name that was supposed to have been used to register the domain name.

<sup>7</sup> Lillard located the real Joe Tonon by locating his phone number in the white pages. He noticed that the phone number was different from the one used by the person representing himself as Joe Tonon. The real Joe Tonon admitted to allowing unnamed person(s) to use his name in a "sting operation" because he had an affiliation with Washington State University.

<sup>8</sup> See <http://64.233.161/search?q=cache:fVs8pmZfjRwj:www.artsci.wustl.edu/~polisci/grad.html+%22Larry+handlin%22+tonon&hl=en>

<sup>9</sup> See [www.archpundit.com](http://www.archpundit.com)

1 Grassroots.org, whose mission is "to help nonprofit organizations run more efficiently through  
2 the use of free and low-cost services; and to provide consumers worldwide information on a  
3 wide variety of social issues."<sup>10</sup>

4 In addition to Handlin's blog, we located another St. Louis based blog called Arch City  
5 Chronicle ("Chronicle").<sup>11</sup> On July 30, 2004, the Chronicle posted information obtained  
6 regarding the postcard issue. In particular, the posting states that the postcard was mailed under  
7 bulk mail permit number 2371, belonging to Advanced Media, a web-based company with  
8 operations in Cleveland and Boston.<sup>12</sup> Allegedly, the Chronicle was able to confirm that the  
9 permit number belonged to Advanced Media but the company official refused to reveal who paid  
10 for the postcard mailing. According to the Chronicle, 25,000 postcards were mailed and a  
11 mailing of this type would cost approximately \$6-7,000.

12 Archpundit (apparently Handlin) posted the following comment, in relevant part, to the  
13 Chronicle's posting on July 31, 2004: "I believe a subpoena is necessary to clear it up and so it'll  
14 be a long time. Carhanan has two complaints against Barry and Jeff. One is on the postcard  
15 which is the Eric thing. Having been around the Jeff Smith campaign, I know of no such person  
16 and neither did volunteers and workers." Handlin goes on to say "I'm obviously a Jeff partisan,  
17 but I do find it weird that one candidate is screaming about this, but he himself has a very  
18 credible allegation against him with the Missouri Ethics Commission."<sup>13</sup> We note that there is  
19 no credible information, at this point, establishing a connection between Handlin and Smith or  
20 any action on the part of the Smith Committee as it pertains to the postcard. To date, the only

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<sup>10</sup> See [www.grassroots.org](http://www.grassroots.org). Grassroots.org is listed as being located in Bethesda, Maryland.

<sup>11</sup> The Arch City Chronicle describes itself as a review of the people and politics of St. Louis. See [www.archcitychronicle.org](http://www.archcitychronicle.org)

<sup>12</sup> See <http://www.archcitychronicle.com/archives/000223.php>

1 information we have is that that both were graduate students in the same department in 2004 and  
2 that Handlin considers himself a "Smith partisan" who may have some familiarity with the  
3 workers and volunteers of the Smith Committee. We have not found any additional publicly  
4 available information regarding the anonymous mailing of the flyers. We cannot conclude  
5 definitively that a political committee was involved in the mailing of the postcard as well as the  
6 anonymous mailing of the flyers because it could have been a significant individual.

7 As for the Barry Committee, it admits, in essence, that it distributed the flyers as part of a  
8 press packet but does not address the question of whether it disbursed funds in connection with  
9 the creation and copying of the flyers. In addition, it does not substantially address the  
10 complaint allegation regarding the anonymous mailing of the flyer but merely challenges the  
11 sufficiency of the complaint's allegation on this point. Also, the Barry Committee does not  
12 substantially address the complaint allegation regarding the postcard since the complaint does  
13 not allege its involvement.

14 Moreover, we do not believe that the available information supports the allegations that  
15 Lillard was acting as an agent or employee on behalf of the Smith Committee or that the Smith  
16 Committee was involved in the creation, financing, or mailing of the postcard and/or flyers. The  
17 allegations are rebutted by the specific denials by both the Smith Committee and Lillard.  
18 However, until we determine, through investigation, the individual(s) or political committee  
19 responsible for the creation, financing and mailing of the postcard and/or flyers, we recommend  
20 that the Commission take no action regarding the alleged violation of 2 U.S.C. §§ 434(b)(4) and  
21 441a(a)(1)(A) on the part of Friends of Jeff Smith and Steve Smith, in his official capacity as  
22 treasurer and Joan Barry in Congress and Kirk Benjamin, in his official capacity as treasurer.

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<sup>13</sup> *Id.*

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1 Finally, we recommend that the Commission find no reason to believe that Eric Lillard violated  
2 any provisions of the Act or regulations and close the file as to this Respondent.

3 **B. Disclaimers**

4 We must first address the threshold question of whether these are the type of  
5 communications for which disclaimers are required. The Act requires that whenever a candidate  
6 or authorized political committee makes a disbursement for the purpose of financing any  
7 communication through mailing or any other type of general public political advertising, the  
8 communication must clearly state that the communication has been paid for by such authorized  
9 political committee. 2 U.S.C. § 441d(a)(1).

10 The postcard contained a disclaimer stating that it was paid for by  
11 [www.rustycarnahan.org](http://www.rustycarnahan.org) and not authorized by any candidate or candidate committee. Our  
12 information suggests that the unknown political committee attempted to obscure its true identity  
13 when soliciting the services of Lillard in hosting the website with a name that bore resemblance  
14 to Carnahan's name.<sup>14</sup> The unknown political committee also appears to have placed deceptive  
15 and misleading information on the postcard indicating that it was not authorized by any  
16 candidate or candidate committee. The information suggests that it was, in fact, an unknown  
17 political committee that disbursed funds in connection with the postcard. In addition, it seems  
18 likely that the unknown political committee disbursed funds in connection with the mailing of  
19 the anonymous flyers.

20 Based on the fact that the Barry Committee admits distributing the flyers but does not  
21 address whether it was responsible for the creation and copying of the flyers, we can infer that it  
22 most likely disbursed funds in connection with the creation and copying of the flyers. Section

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<sup>14</sup> It is unclear whether the goal was to give the recipients of the postcard the impression that Carhanan himself was responsible for the postcard.

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1 110.11 of the Commission's regulations speaks more specifically of the term "public  
2 communication" in relation to the disclaimer requirements. 11 C.F.R. § 110.11. The  
3 Commission defines a public communication as a "communication by means of any broadcast,  
4 cable or satellite communication, newspaper, magazine, outdoor advertising, facility, mass  
5 mailing or telephone bank to the general public, or any other form of general public political  
6 advertising." 11 C.F.R. § 100.26. The Explanation and Justification for 11 C.F.R. § 100.26  
7 states that the term "mass mailing" includes "any mailing by United States mail or facsimile of  
8 more than 500 pieces of mail matter of an identical or substantially similar nature within any 30  
9 day period". *See* 67 Fed. Reg. 49072 (July 29, 2002).

10 We have confirmed with a Postal Service representative that bulk mailings must contain  
11 at least 500 pieces of mail in order to qualify for the bulk mail rate. There is also information to  
12 suggest that as many as 25,000 postcards were mailed. Given the fact that the postcard appears  
13 to have been mailed on or about July 23, 2004, with a bulk mail permit, it is reasonable to infer  
14 that the postcard constitutes a mass mailing within the Commission's definition. It is also  
15 possible that the flyers would be considered a communication by mass mailing if we can  
16 determine how many were mailed. As noted, the Barry Committee does not deny paying for the  
17 anonymous mailing of the flyers but merely challenges the sufficiency of the complaint's  
18 allegation.

19 Whether they were a "mass mailing" or not, it would appear that the three flyers would  
20 fall under the category of "general public political advertising" and therefore constitute public  
21 communications. The flyers contained information about Russell Carnahan's voting record as a  
22 State Representative and two of the three flyers made reference to his Congressional candidacy.  
23 The Commission requires that public communications for which a political committee makes a

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1 disbursement contain a disclaimer. 11 C.F.R. § 110.11(a)(1). A disclaimer must be clearly and  
2 conspicuously displayed. 2 U.S.C. § 441d(c). *See also* 11 C.F.R. § 110.11(c). It need not  
3 appear on the first page of a communication, assuming there is more than one page. 11 C.F.R.  
4 § 110.11(c)(2)(iv). If, however, a communication is included in a package of materials and  
5 would require a disclaimer if distributed separately, it must contain the required disclaimer.  
6 11 C.F.R. § 110.11(c)(2)(v). The Barry Committee asserts that the press packet contained the  
7 necessary disclaimer on the front page and the individual flyers, provided to the Commission out  
8 of context, were not separate communications such that they required separate disclaimers.

9       Based on the available information, it appears that the Barry Committee did not affix the  
10 appropriate disclaimer language to the press packets or to the individual flyers. We believe that  
11 the flyers and the other contents of the press packet should be considered separable  
12 communications, thereby requiring separate disclaimers. The Commission, in MUR 4957, dealt  
13 with the issue of separable communications in the context of solicitations by email. While the  
14 fact pattern itself is not similar, we believe that the Commission's analysis is still relevant to the  
15 present matter. MUR 4957 involved an Internet solicitation document that in hard copy was two  
16 pages in length. *See* First General Counsel's Report in MUR 4957. The first page was a  
17 contribution form from a website. *Id.* at 5. The second page contained the disclaimer language.  
18 *Id.* The recipient of the e-mail could not make a contribution without first viewing the second  
19 page. *Id.* at 4. In order to make a contribution, the recipient was instructed to activate a link  
20 provided in the first page, which then displays the second page of the solicitation.<sup>15</sup> *Id.* The  
21 Commission concluded that the e-mail should constitute one communication and any document

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<sup>15</sup> In MUR 4957, the Respondent asserted that the disclaimer on the Committee website page to which readers of the e-mail communication were directed, met the requirements of the Commission's regulations which do not require a disclaimer on each page, or the front page, of a multi-page communication.

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1 reachable via hyperlink should constitute a separate communication since the viewers/recipients  
2 of an e-mail communication may not elect to go onto a linked website in order to obtain  
3 additional information or to make contributions, thereby underlining the separateness of the two  
4 communications. *Id.* at 5.

5 As for the flyers distributed at the press conference, it is not clear that the flyers were  
6 physically attached to a disclaimer contained on the press packet. Second, even if, arguendo,  
7 they were, the distribution was in a manner and setting that makes it likely that the disclaimer  
8 could be separated from the flyers. In fact, it appears possible that this is exactly what happened,  
9 and that the flyers were distributed by mail as well as in the press packet. Each flyer also  
10 appears to have been prepared as a stand alone document. These factors underline the  
11 separateness of the three communications and the need for individual disclaimers. None of the  
12 flyers contained the appropriate disclaimer language as required by 2 U.S.C. § 441d.

13 As for the postcard, it appears to contain disclaimer language that was misleading and  
14 untrue, thereby violating the requirements of the Act. We have previously stated that we believe  
15 that an unknown individual(s) or political committee may have been responsible for the creation  
16 and mailing of the postcard as well as the anonymous mailing of the flyer. Therefore, we  
17 recommend that the Commission find reason to believe that an unknown political committee and  
18 its treasurer in his/her official capacity violated 2 U.S.C. § 441d by failing to include the proper  
19 disclaimer language on the mailed postcard and flyers for which it disbursed funds. We also  
20 recommend that the Commission find reason to believe that Joan Barry in Congress and Kirk  
21 Benjamin, in his official capacity as treasurer, violated 2 U.S.C. § 441d by failing to include  
22 individual disclaimers on three flyers for which it disbursed funds. Although we have a tenuous  
23 allegation by Lillard regarding the possible involvement of individuals associated with the Smith

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1 Committee in the mailing of the postcard, it does not rise to the level of the Commission's reason  
2 to believe standard. Therefore, we find it prudent to recommend that the Commission take no  
3 action with respect to the Smith Committee and the possible violation of 2 U.S.C. § 441d as it  
4 pertains to the mailing of the postcard and flyer pending the results of the investigation.

5 **IV. PROPOSED DISCOVERY**

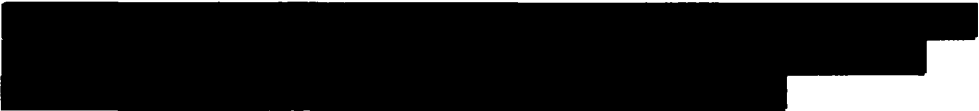
6 We are seeking authorization to initiate a limited and focused investigation in this matter  
7 in order to obtain additional information regarding the complaint allegations related to the  
8 mailing and distribution of the flyers by the Barry Committee and/or the unknown political  
9 committee or individual(s). We will seek to determine which, if any, political committee or  
10 individual(s) mailed the flyer anonymously, the volume of the mailings and whether there was  
11 any disclaimer language contained on the flyer as mailed or on the envelopes. We will also seek  
12 to determine the extent of funds disbursed for the mailings. [REDACTED]

13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED] As stated previously, if the party responsible is an individual, there would be no  
17 resulting violation of 2 U.S.C. § 441d due to a lack of express advocacy. However, if the party  
18 responsible is a political committee, there would be a resulting violation of 2 U.S.C. § 441d.

19 [REDACTED]  
20 **V. RECOMMENDATIONS**

- 21 1. Take no action at this time with respect to Friends of Jeff Smith and Steve Smith,  
22 in his official capacity as treasurer, regarding violation of 2 U.S.C. § 441d;  
23  
24 2. Take no action at this time with respect to Friends of Jeff Smith and Steve Smith,  
25 in his official capacity as treasurer, regarding alleged violation of 2 U.S.C.  
26 §§ 434(b)(4), 441a(a)(1)(A);


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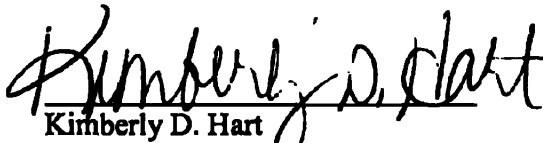
3. Find reason to believe that Joan Barry in Congress and Kirk Benjamin, in his official capacity as treasurer, violated 2 U.S.C. § 441d;
4. Take no action at this time with respect to against Joan Barry in Congress and Kirk Benjamin, in his official capacity as treasurer, regarding violation of 2 U.S.C. §§ 434(b)(4), 441a(a)(1)(A);
5. Find reason to believe that the unknown political committee and its treasurer in his/her official capacity, violated 2 U.S.C. § 441d;
6. Find no reason to believe that Eric Lillard violated any provisions of the Act or regulations and close the file as to this Respondent;
7. 
8. Approve attached Factual and Legal Analysis; and
7. Approve the appropriate letters.

Lawrence H. Norton  
General Counsel

Rhonda J. Vosdingh  
Associate General Counsel  
for Enforcement

8/1/05  
DATE

BY:   
Sidney Rocke  
Assistant General Counsel

  
Kimberly D. Hart  
Attorney

**Attachments**

1. Complaint (with attached flyers and postcard)
2. Proposed Factual and Legal Analysis